

EXHIBIT NO. 1

7  
9-20-05

Docket Item #18  
SPECIAL USE PERMIT #2005-0081

Planning Commission Meeting  
September 8, 2005

**ISSUE:** Consideration of a request for a special use permit amendment to reallocate a portion of the indoor seating to outdoor patio of a restaurant.

**APPLICANT:** Afghan Restaurant  
by Harry Hart, attorney

**LOCATION:** 2700 and 2706 Jefferson Davis Highway

**ZONE:** I/Industrial

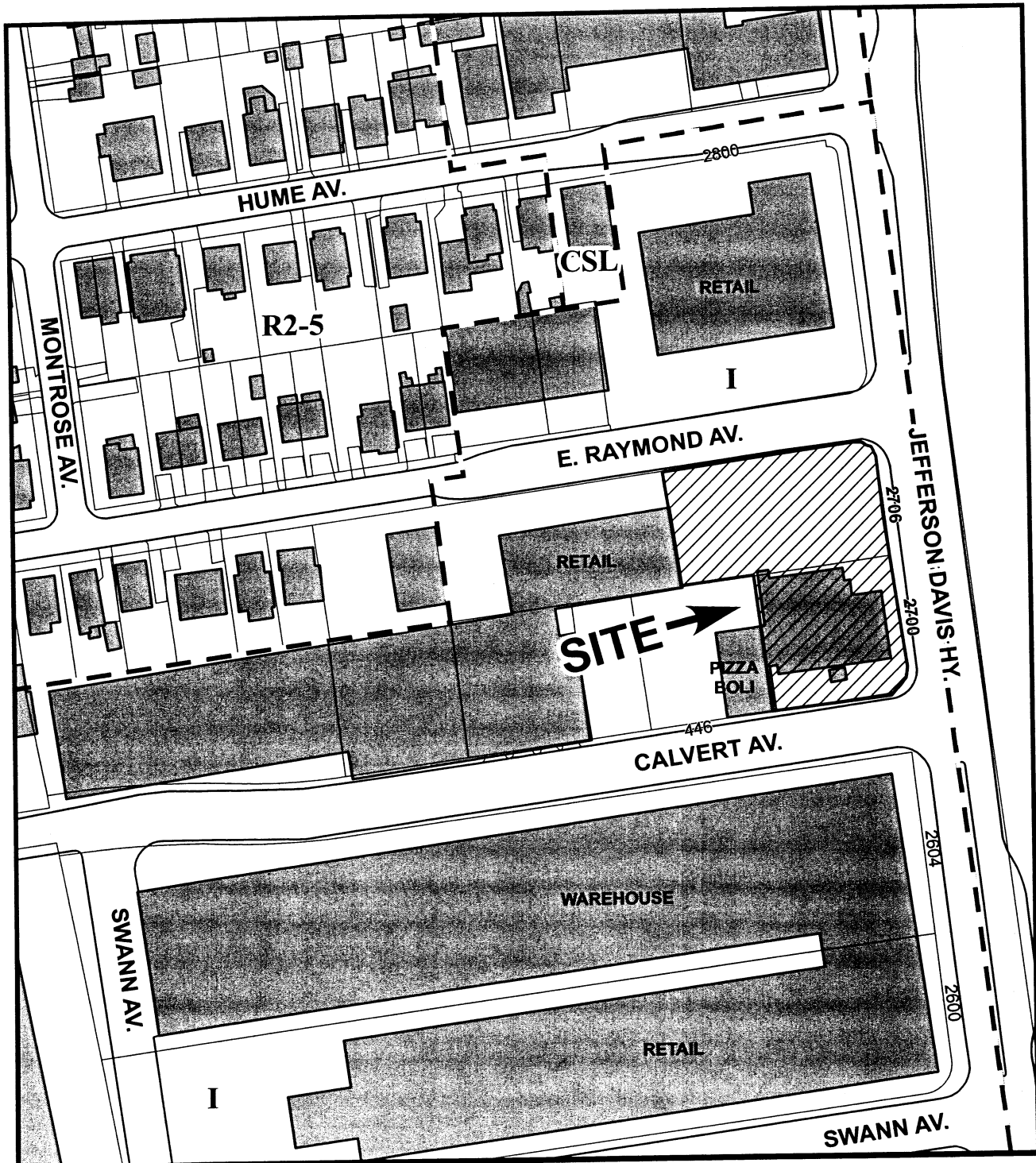
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**PLANNING COMMISSION ACTION, SEPTEMBER 8, 2005:** On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Harry P. Hart, attorney, spoke on behalf of the applicant. Mr Hart indicated that this was an amendment to a previously approved Special Use Permit.



**SUP #2005-0081**

**09/08/05**



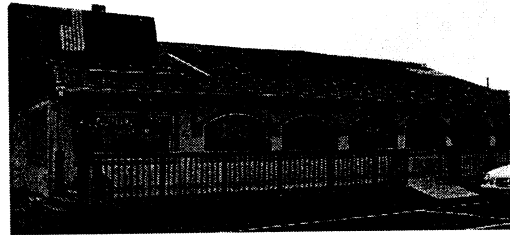
## I. DISCUSSION

### REQUEST

The applicant, Afghan Restaurant, requests special use permit approval for the reallocation of a portion of the indoor seating to the outdoor patio located at 2700 and 2706 Jefferson Davis Highway.

### SITE DESCRIPTION

The subject property is two lots of record with approximately 166 feet of frontage on Jefferson Davis Highway, 93 feet of frontage along Calvert Avenue, 160 feet of frontage on East Raymond Avenue, and a total lot area of 28,610 square feet. The site is developed with a single-story restaurant. Access to the property is from East Raymond Avenue.



The surrounding area is occupied by a mix of commercial uses. Immediately to the north is National Tire and Battery (NTB). To the south is a self-storage facility. To the east is the future Potomac Yard development and west is a restaurant equipment supplier and a pizza carry-out restaurant.

### BACKGROUND

A restaurant has operated in this location since the 1940s. On September 19, 1993, City Council granted Special Use Permit #2719 to Qasam Abassi to reestablish the former restaurant use. After his original approval, the applicant had obtained additional approvals to allow live entertainment, increase the number of seats inside the restaurant, and reduce the parking requirement.

In June 2001, City Council considered revoking the special use permit for this restaurant, based on a series of violations. Specifically, the restaurant was renting out the facility to others who held entertainment events, including GoGo dances on weekends. In addition to being a violation of the then applicable entertainment condition, and the conditions regarding noise and hours, one event resulted in a stabbing and the arrest of two others for disorderly conduct. Staff recommended that the permit be revoked because the violations were similar to violations involving entertainment events which had occurred in the 1994-1996 time period, and because such events create a nuisance for the neighborhood and an unfair demand for police resources.

The restaurant was reviewed in December 2001 successfully, in that there had been no violations or incidents at the restaurant between June and December 2001. At that time, the applicant requested that its hours of operation be extended until 1:00 a.m., but the request was not granted.

On June 15, 2002, City Council granted Special Use Permit #2002-0025, as a review of the previous Special Use Permit #2001-0065. As part of SUP#2002-0025, the approved closing hours were revised from midnight to 11:00 p.m., except on Friday and Saturday evenings during scheduled wedding events, when the restaurant is permitted to operate until 1:00 a.m.

The restaurant was inspected in August 2003, and no violations were found. In September 2003, the restaurant was issued a ticket after the City received a complaint that the restaurant was operating later than 11:00 p.m. on a Sunday. After the ticket was issued, no further complaints were received.

In August 2005, inspections were made at the subject property to determine if the business was in compliance with the conditions of its special use permit. Several violations were identified, including landscaping which was not free of weeds or kept in good condition (condition #17 and 18), lack of signage directing patrons at the parking lot entrances to additional parking at the adjoining NTB (condition #27), debris in the parking lot (condition # 10). Once notified, the applicant began to correct the violations.

#### PROPOSAL

The restaurant has requested to move 35 of the 280 indoor seats to the outdoor patio area when the weather permits. No other changes to the operation have been requested.

Hours:	The applicant does not propose any changes to the existing approved hours of 7:00 a.m. to 11:00 p.m. daily and until 1:00 a.m. on Fridays and Saturdays for scheduled wedding events.
Seating:	The request is to move 35 seats from the indoor dining area to the outdoor patio when weather permits. The total number of seats for the restaurant would remain 280.
Alcohol:	The restaurant would continue to serve alcoholic beverages, beer, and wine for on-premises consumption.
Live Entertainment:	Live entertainment would continue to be permitted for scheduled wedding ceremonies only.
Noise:	Significant additional noise is not expected from patrons. The outdoor seating area faces the parking lot and commercial buildings.
Trash/Litter:	The applicant will continue its practice of picking up litter within 75 feet of the premises at least twice a day. Trash shall be emptied regularly.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 280 seats is required to provide 70 off-street parking spaces. The adjacent parking lot provides 59 spaces, and the restaurant has an agreement with National Tire and Battery across East Raymond Avenue for use of an additional 11 parking spaces in order to meet the requirement.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the I/Industrial zone. Section 4-1203 of the Zoning Ordinance allows a restaurant in the industrial zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for industrial use.

NEIGHBORHOOD OUTREACH

On August 11, 2005, staff attended the Del Ray Land Use Committee meeting. Committee members expressed concern over late-night dining and the condition of the landscaping and litter on the site, but were generally supportive provided the violations were corrected and conditions placed on the outdoor dining.

**II. STAFF ANALYSIS**

Staff supports seasonal outdoor dining at this restaurant.

Although supportive, staff is mindful of the violations at the site and the need to protect the surrounding community from potential impacts of outdoor dining at this location. Staff has notified the applicant of the violations and although the applicant has worked toward correcting them, staff has revised several of the conditions to put deadlines on when the conditions must be met. Staff and the community has some concern over the use of the outdoor dining area late at night. To address this concern, the condition of permitted hours of operation has been amended to restrict the hours of the outdoor dining to 10:00 p.m. daily, with cleanup of the area required by 10:30 p.m. In addition, only seated dining would be permitted within the outdoor dining area.

Staff generally supports outdoor dining opportunities and believes that outdoor dining at this location may encourage the applicant to better maintain the property.

With the following conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2719)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided ~~inside~~ for no more than 280 patrons. Up to 35 of the total 280 seats may be provided in an outdoor dining area in front of the restaurant. The outdoor dining area shall only be used for seated patrons. (P&Z) (~~SUP #95-0101~~)
3. **CONDITION DELETED BY STAFF:** ~~No outside dining facilities shall be located on the premises.~~ (P&Z) (~~SUP #2719~~) (P&Z)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m. daily, except that the restaurant may stay opened until 1:00 a.m. on Fridays and Saturdays for scheduled wedding events. The hours for the outdoor dining area are 7:00 a.m. to 10:00 p.m. daily. Clean up of the outdoor seating area is to be completed by 10:30 p.m.(PC) (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2719)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP 96-0029)
7. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2719)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2719)
9. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z) (SUP #96-0166)

10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2719)
11. No live entertainment shall be allowed except for scheduled wedding ceremonies. (P&Z) (SUP#2001-0053)
12. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of T&ES. (P&Z) (SUP #2001-0065)
13. Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residues or wastes be washed into the streets, alleys, sidewalks or storm sewers. (T&ES) (SUP #2001-0065)
14. Private security guards shall be provided from 10:00 p.m. to one hour after the closing hour for weddings or special events. (CC) (SUP #2001-0053)
15. Condition deleted. (P&Z) (SUP #97-0077)
16. On each anniversary of the approval of the special use permit, in November of each year, the applicant shall provide to the Director of Planning and Zoning a copy of the lease or other arrangement by which the applicant makes 11 off-site parking spaces available. If at any time the off-site parking becomes unavailable, the applicant shall remove 44 seats. (P&Z) (SUP #96-0029)
17. **(CONDITION AMENDED BY STAFF):** The applicant shall maintain the landscaping according to the approved plan in good condition within 30 days of approval. (P&Z) (~~SUP #96-0029~~)
18. The applicant shall keep the site and landscaping free of weeds. (P&Z)(SUP #95-0101)
19. No untagged vehicles shall be parked on the lot at any time. (P&Z) (SUP #95-0101)
20. Lighting shall be installed in the parking lot to the satisfaction of the Director of Transportation and Environmental Services and the Police Department. (T&ES) (Police)(SUP #95-0101)
21. Street address numbers shall be maintained. (T&ES) (SUP #95-0101)

22. The pad and enclosure for the dumpster shall be maintained to the satisfaction of the Director of Planning and Zoning and Director of Department of Transportation and Environmental Services. (T&ES) (P&Z) (SUP #96-0029)
23. The shed shall be painted and maintained to the satisfaction of the Director of Planning and Zoning. (PC) (SUP #96-0029)
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year after approval~~ after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review, ~~as a result from a complaint that rises to the level of a violation;~~ or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) ~~(SUP #2002-0025)~~
25. **CONDITION AMENDED BY STAFF:** Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. Patrons within the outdoor dining area must leave, and the outdoor area must be cleaned one-half hour after the closing hour of the outdoor dining area. (P&Z) ~~(SUP #2002-0025)~~
26. The use of loudspeakers outside of the building shall be prohibited. (T&ES) (SUP #2002-0025)
27. **CONDITION AMENDED BY STAFF:** The applicant shall post signs at the parking lot entrances indicating that additional parking is available on the other side of ~~Hume Avenue~~ East Raymond Avenue at NTB. Signs are to be posted within 30 days of approval. ~~(PC) (SUP #2002-0025)~~ (P&Z)
28. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
29. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)



30. All required inspections and approvals shall be completed for permit # BLD2004-01362 and final approval of the front deck shall be obtained prior to use. (Code)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Lorrie Pearson, Urban Planner.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

##### Transportation & Environmental Services:

F-1 No new comments, carry forward current conditions

##### Code Enforcement:

- F-1 The referenced deck in this application has not been approved by Code Enforcement. No building final inspections for building permit BLD2004-01362 have been completed. Several outstanding building code issues have not been resolved per the permit record. The applicant shall resolve all building permit issues and obtain all required final inspections and approvals for the deck prior to continuing with the SUP application.
- F-2 The applicant is proposing shifting 35 approved seats from the interior of the structure to the exterior of the structure on a seasonal basis. The current approved occupant load shall remain in effect and shall apply to the combined total of exterior and interior seating. No increase in occupant load shall occur without approval of the Code Official and conformance with the requirements of the USBC.
- C-1 All required inspections and approvals shall be completed for permit # BLD2004-01362 and final approval of the front deck shall be obtained prior to use.

Once approved, the following conditions shall apply:

- C-2 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
  - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Permits or approval must be obtained prior to use of the new area(s).
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Police Department:

- F-1 The Police Department has no objections.

APPLICATION for SPECIAL USE PERMIT # 2005-0081

PROPERTY LOCATION: 2700 Jefferson Davis Hwy.

TAX MAP REFERENCE: 25.03-02-11 & 25.01-04-21 ZONE: I

APPLICANT Name: Afghan Restaurant by Abdul Hafiz Khan and Gulahmad Abassi

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

PROPERTY OWNER Name: Antonios S. and Maria K. Laliotis

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

PROPOSED USE: Restaurant

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notices on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Harry P. Hart  
Print Name of Applicant or Agent

Harry P. Hart  
Signature

HART, CALLEY, GIBBS & KARP, P.C.  
Mailing/Street Address

(703) 836-5757  
Telephone Number

(703) 548-5443  
Fax #

307 N. Washington St., Alex. VA 22314  
City and State zip code

\_\_\_\_\_  
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

All Applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The Applicant is (*check one*) ☐ the Owner ☐ Contract Purchaser

☒ Lessee or ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

\_\_\_\_\_  
 No Change in ownership from Current SUP Conditions (~~#2001-0065~~) <sup>2002-0025</sup> *12/08*  
 \_\_\_\_\_  
 \_\_\_\_\_

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☒ Yes. Provide proof of current City business license.

☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8 1/2" x 14" or smaller. Twenty-four plans are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan package is required.

Please see attached. Note that plan is not to scale, and seating locations are approximate.

**NARRATIVE DESCRIPTION**

4. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

The existing restaurant serves traditional Afghan style cuisine on a daily basis from 7:00 a.m. to 12:00 a.m. Seating capacity is 280 patrons including the banquet hall adjacent to the dining room of the restaurant. The restaurant's hall is used mainly for Afghan weddings. There are an average of 6-8 employees on staff at any one time, including the manager. 59 parking spaces are provided on site and the applicant has an agreement with the NTB across E. Raymond Ave. to use an additional 11 parking spaces that are required under the zoning code. No changes will be made to the existing operation except to move 35 seats from the interior of the restaurant to use on the existing outside deck on the north side of the building during good weather.

# USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
- ☐ a development special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☒ an expansion or change to an existing use with a special use permit,
- ☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

280 total seats

B. How many employees, staff and other personnel do you expect? Specify time period (i.e. day, hour, or shift).

6-8

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

7 DAYS/WEEK

7 A.M. - 12 A.M.

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No Change from Current SUP Conditions (#2001-0065)

B. How will noise from patrons be controlled?

2002-0025  
There is no increase in the total number of patrons (280) from the current SUP conditions (#2001-0065). The patrons sitting at the proposed new outdoor tables are not expected to create significant additional noise. Further, the restaurant is situated on Rt. 1, a busy 35-mph 2-lane street in an I zone. The amount of noise generated by 35 restaurant patrons is not a concern in such an environment.

8. Describe any potential odors emanating from the proposed use and plans to control them:

2002-0025  
No Change from Current SUP Conditions (#2001-0065) 16

9. Please provide information regarding trash and litter generated by the use:

- A. What type of trash and garbage will be generated by the use?

2002-0025  
No Change from Current SUP Conditions (#2001-0065) 16

- B. How much trash and garbage will be generated by the use.?

2002-0025  
No Change from Current SUP Conditions (#2001-0065) 16

- C. How often will trash be collected?

2002-0025  
No Change from Current SUP Conditions (#2001-0065) 16

- D. How will you prevent littering on the property, streets and nearby properties?

2002-0025  
No Change from Current SUP Conditions (#2001-0065) 16



10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example, paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of residents, employees and patrons?

No Change from Current SUP Conditions (#2001-0065)

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### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

No Change from Current SUP Conditions (#2001-0065)

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- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

No Change from Current SUP Conditions (#2001-0065)

- B. How many parking spaces of each type are provided for the proposed use:

70 Standard spaces

## Compact spaces

           Handicapped accessible spaces.

Other.

- C. Where is required parking located? ☒ on site ☒ off-site (*check one*)

**If the required parking will be located off-site, where will it be located?**

There are 59 spaces on site and the applicant has an agreement to use 11 spaces at the NTB across E. Raymond Ave.

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100(A)(4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the

zoning ordinance? No Change from Current SUP Conditions (#2001-0065)

- B. How many loading spaces are available for the use? No Change from Current SUP  
Conditions (#2001-0065) 16

- C. Where are off-street loading facilities located?

No Change from Current SUP Conditions (#2001-0065)

D. During what hours of the day do you expect loading/unloading operations to occur?

No Change from Current SUP Conditions (#2001-0065)

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

No Change from Current SUP Conditions (#2001-0065)

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

No Change from Current SUP Conditions (#2001-0065)

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☐ Yes. ☒ No.

Do you propose to construct an addition to the building? ☐ Yes. ☒ No.

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

12,147 sq. ft. (existing) + 0 sq. ft. (addition if any) = 12,147 sq. ft. (total)

21. The proposed use is located in (check one):

☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: \_\_\_\_\_

☐ an office building. Please provide name of the building: \_\_\_\_\_

☐ other, please describe: \_\_\_\_\_

**RESTAURANT SUPPLEMENTAL APPLICATION**

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the **SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN** section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 280 At a bar: 0 Total number proposed: 280

2. Will the restaurant offer any of the following?

X alcoholic beverages X beer and wine (on-premises)  
       beer and wine (off-premises)

3. Please describe the type of food that will be served:

Traditional Afghan cuisine.  
\_\_\_\_\_  
\_\_\_\_\_

4. The restaurant will offer the following service (check items that apply):

X table service        bar        carry-out        delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles?        Yes        No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? X Yes        No.

If yes, please describe: Traditional Afghan cultural entertainment only, ie., at weddings.  
\_\_\_\_\_  
\_\_\_\_\_

SCALE: ~~1/4" = 1'-0"~~ NOT TO SCALE

# Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

Established 1954

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To: Eileen Fogarty, Director, Office of Planning and Zoning  
Members of Alexandria Planning Commission

From: Amy Slack, Land Use Committee Co-Chair  
Sarah Haut, Land Use Committee Co-Chair

Date: August 30, 2005

Subject: Special Use Permit #2005-0081  
Afghan Restaurant at 2700 and 2706 Jefferson Davis Highway.  
Consideration of a request for a special use permit amendment to  
reallocate a portion of indoor seating to the outdoor patio of a restaurant;  
zoned I/Industrial. Applicant: Afghan Restaurant by Harry Hart

PC Docket #18  
SUP 2005-0081

At the Land Use committee meeting on August 11, 2005, we discussed the request. Attorney for the applicant, Bud Hart, was invited but did not attend. A member of staff, Lorrie Pearson did attend. The item will be announced in the September issue of the Association newsletter and brought before the membership for vote.

The applicant proposes to reallocate 35 indoor seats to an exterior deck that was constructed over one year ago. The deck is located along the building face and looks out onto the parking lot and Raymond Avenue.

The discussion touched on several issues. LUC has no objection to outdoor seating being provided. Our concern is, the applicant has a long history of both minor and major violations and continues to disregard numerous SUP conditions. Partially because the residential community is buffered from the restaurant by low intensity industrial zone uses, complaints are rarely observed or reported to the enforcement authorities. Researching the application request has made us aware that:

The applicant states the restaurant operates from 7:00am until midnight daily, whereas the current SUP requires the restaurant to close at 11:00pm.

The SUP requires litter to be picked up twice a day or more as needed, the site and landscaping kept free of weeds and the street address numbers to be maintained. This is not the case and has not been for a considerable period.

These and other infractions are detrimental to building a trusting relationship. Will the reallocation become an intensification? Will the an outdoor seating area close at the required hour?

The request, technically, does not increase the allowed parking reduction and if granted, may improve the applicant's attitude toward maintaining the landscaping and performing litter control. LUC recommended support with conditions. We also stress the need for higher level of compliance by the applicant and rigorous enforcement by the City.

At their August 18, 2005 meeting the Executive Board voted to support the committee recommendation and conditions:

- Hours of outdoor seating area shall be limited to 7:00am until 10:00PM. All patrons must be cleared from the area by 10:00pm and the area washed down within 30 minutes.
- The deck area is for seated dining only. No loitering is allowed.
- Planning staff shall conduct a one year review to ensure the applicant is fully complying with the SUP.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.